

ATTACHMENT 2

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day March 1 20 05

PRESENT: Supervisors Harry L. Ovitt, Jerry Lenthall, K.H. "Katcho" Achadjian,
James R. Patterson and Chairperson Shirley Bianchi

ABSENT: None

RESOLUTION NO. 2005-60

RESOLUTION MODIFYING THE DECISION OF THE
PLANNING COMMISSION AND CONDITIONALLY APPROVING
THE APPLICATION OF ANDREW CHARNLEY FOR
CONDITIONAL USE PERMIT S020319U AND A VESTING
TENTATIVE TRACT MAP FOR TRACT 2549

The following resolution is now offered and read:

WHEREAS, on November 30, 2004, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and approved the application of Andrew Charnley for Conditional Use Permit S020319U and a vesting tentative tract map for Tract 2549; and

WHEREAS, the Posada Land Company has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Titles 21 and 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on March 1, 2005, and determined and decision was made on March 1, 2005; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be upheld in part and the decision of the Planning Commission should be modified and that the application should be approved based upon the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

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2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibits A and B attached hereto and incorporated by reference herein as though set forth in full.

3. That the negative declaration and the addendum thereto prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration and the addendum thereto together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by the Posada Land Company is hereby upheld in part and the decision of the Planning Commission is modified and that the application of Andrew Charnley for Conditional Use Permit S020319U is hereby approved subject to the conditions of approval set forth in Exhibit C attached hereto and incorporated by reference here in as though set forth in full.

6. That the appeal filed by the Posada Land Company is hereby upheld in part and the decision of the Planning Commission is modified and that the application of Andrew Charnley for a vesting tentative tract map for Tract 2549 is hereby approved subject to the conditions of approval set forth in Exhibit D attached hereto and incorporated by reference here in as though set forth in full.

Upon motion of Supervisor Ovitt, seconded by Supervisor Lenthall, and on the following roll call vote, to wit:

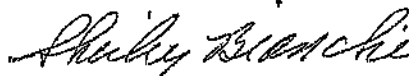
AYES: Supervisors Ovitt, Lenthall, Achadjian, Patterson, Chairperson Bianchi

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.


Chairperson of the Board of Supervisors

ATTEST:

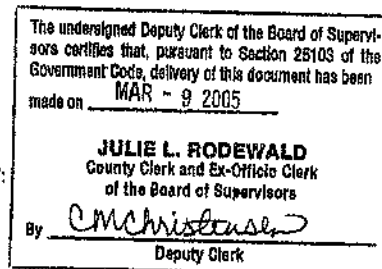
JULIE L. RODEWALD
Clerk of the Board of Supervisors
By: CM Christensen Deputy Clerk
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: MARCH 1, 2005



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STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo)

I, JULIE L. RODEWALD, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 9th day of March, 2005.

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the
Board of Supervisors

By: _____
Deputy Clerk

(SEAL)

FINDINGS - EXHIBIT A
Conditional Use Permit S020319U/ Charnley

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration and addendum thereto (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 21, 2004 for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Noise, Public Services/Utilities, Recreation and Transportation Circulation and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because it is an allowed use in the Office & Professional land use category and as conditioned is consistent with all of the General Plan policies. In addition, the planning area standard for this site in Templeton specifically encourages multi-family dwellings in the Office and Professional land use category as an effort to provide housing to employees in the area.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because it is partly a mixed use project with commercial and residential uses and does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because it is the residential component of a mixed use project in an area with residences existing to the south and east of the site and commercial and office and professional uses on the west and north of the site. Therefore, the use is similar to, and will not conflict with, the surrounding lands and uses.
- F. According to the traffic study and with recommendations from the Public Works

Department, the proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved. The construction of this traffic mitigation, and the fact that the project is located on Las Tablas Road, a collector road capable of handling any additional traffic associated with the project, provides safe vehicular movement in the area.

Paleontological Resources

- I. The site design and development incorporate adequate measures to ensure that paleontological resources will be acceptably and adequately protected because an on-site monitor is required for the digging of the deep footings.
- J. The site design and development cannot be feasibly changed to avoid intrusion into or disturbance of paleontological resources. Construction will use appropriate methods to protect the integrity of the site. Such methods include and on site monitor during construction of deep footings.

Wetland Resources

- K. The project is designed and will be developed in a manner that protects environmentally sensitive resources by acquiring the correct permits from various agencies associated with permitting development in a wetland area. Agencies include California Department of Fish & Game, Regional Water Quality Control Board and the US Army Corp of Engineers.

Parking Modification Findings for adjustment to allow a tandem parking design.

- L. The characteristics of the use at this site do not necessitate the type of parking layout design for all units as usually required by a conventional tract map because multifamily residential projects are encouraged by planning area standard as potential sources of workforce housing, and because of adjacent and nearby employment centers, less reliance on automobiles for daily commuting may result. With a Planned Development application, parking design and location standards can be modified by the Review Authority (Board of Supervisors) to allow for unusual conditions or project features such as those mentioned above. In this case, allowing tandem parking in the front of the units with one-car garages and allowing the additional shared parking with compact sized spaces allows this site to provide for a few more residential units and allow for more flexibility in site design for other resident amenities such as open space and a common area with a swimming pool, gazebo and barbeque area.
- M. Tandem parking in the driveway of the single car garage units and the additional shared parking with compact sized spaces as an alternative to the parking design standards of Chapter 22.18.030 will be adequate to accommodate, on the site, all the parking needs generated by the use because there is adequate room to park a second car outside of the internal

roadway. the development meets the guest parking requirements for the number of spaces needed and the additional shared parking will be above what is required and approved by the Planning Commission.

- N. No traffic safety problems will result from the proposed modification of the parking standards because the project meets the guest parking requirements and there is room on each lot to park two cars as required by Title 22.

FINDINGS - EXHIBIT B
Tentative Tract Map 2549/Charnley

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration and addendum thereto (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 21, 2004 for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Noise, Public Services/Utilities, Recreation and Transportation Circulation and are included as conditions of approval.

Tract Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards, is an allowed use in the Office & Professional land use category and as conditioned is consistent with all of the General Plan policies.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of multi-family/mixed use project.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a multi-family/mixed use project.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project is designed and will be developed in a manner that protects environmentally sensitive resources by acquiring the correct permits from various agencies associated with permitting development in a wetland area. Agencies include California Department of Fish & Game, Regional Water Quality Control Board and the US Army Corp of Engineers.

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- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

**EXHIBIT C - CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT S020319U**

Approved Development

1. This approval authorizes the residential component (3.81 acres) of a larger 8.7 acre mixed use site which includes an approved Conditional Use Permit (D020021D) on the adjacent 4.89 acre parcel allowing an in patient care facility. The residential component consists of a subdivision of a 3.81 acre parcel into 45 parcels for the construction of 41 attached single family townhouses. The residential development consists of 41 parcels of approximately 0.04 acres to 0.07 acres in size and three open space lots. A community recreation area with a swimming pool, a play area, a gazebo, restrooms and a BBQ facility with landscaping is also proposed. The project includes a pedestrian path. The project also includes a connection to an access bridge and road to Las Tablas Road and access to Posada Lane. Three access roads within the subdivision are also proposed.

Project Design

2. Applications for construction permits shall include all development consistent with the approved site plan, floor plan, architectural elevations and shall include:
 - a. Fences and walls shall be constructed of durable and high quality materials including but not limited to: masonry, river cobblestone, stucco or a combination of wood with stone or stucco columns. Solid wood fences are not allowed unless they are continuously screened with landscaping and maintained.
 - b. Parking for the residential uses shall be on site. All the parking shall be off the street except where there are sidewalks. The proposed 12 guest parking spaces shall be placed according to the site plan.
 - c. **Prior to submittal of construction permit applications**, elevations and floor plans shall be submitted to the Planning and Building Department for review and approval. The submittal shall include a color board and exterior materials.
3. The applicant shall work with the Planning and Building Department staff to review house design and site layout in keeping with the Templeton Design Guidelines. If staff and the applicant fail to agree on design, the matter will return to the Planning Commission for review and approval. This action will not require a reconsideration or re-noticing. The Templeton Design Guidelines shall be followed as much as possible.
4. The owner of the development shall create a Homeowner's Association that will be responsible for maintenance of parking, landscaping and open space areas, paths and the pool and gazebo community area within the subdivision. These areas are

to be held in common by the Homeowner's Association.

5. Roads and/or streets to be constructed to the following standards:
 - a. On site street constructed to a section for private streets from the Templeton Design Plan.
 - b. The access road from the property to Las Tablas Road be constructed to a Templeton Design Plan section, with a 24-foot paved road, 4-foot landscaped parkway and a 4-foot pedestrian way on one side. The pedestrian way shall meet the requirements of the Americans with Disabilities Act.
 - c. The applicant shall submit revised plans showing widening of the intersection of the access road with Las Tablas Road to 30 feet to accommodate an 18-foot wide outbound lane for the review and approval by the County of San Luis Obispo Public Works Department.

Landscaping

6. Prior to submittal of construction permit applications, a landscaping plan shall be submitted for all common areas. Common areas include the path ways along the perimeter of the site, the community park area, and any landscaping proposal for the open space areas. In addition to landscaping the development, the landscape plan shall include a driveway entry design, street tree planting, a landscaping design plan for the pool gazebo area, and a plan for the riparian area adjacent to the project site in accordance with Title 22 and the Templeton Design Guidelines. Landscaping shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection and thereafter maintained in a viable condition in perpetuity.
7. Landscaping shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection and thereafter maintained in a viable condition in perpetuity.

Lighting

8. At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting. The details shall include the height of the pole, location, light design for the residential units, light design for paths within and along the exterior of the development, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties including the residential neighborhoods. Light hoods shall be dark colored.

Fire Safety

9. **Prior to issuance of a construction permit**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Templeton Fire Department. The fire safety plan shall include, but not be limited to all requirements as specified in the letter from Templeton Fire Department dated November 2004.
10. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Templeton Fire Department of all required fire/life safety measures.

Services

11. **Prior to issuance of construction permits**, the applicant shall provide a letter from Templeton Community Services District stating they are willing and able to service the property.

Signage

12. If a new sign is proposed, the new sign shall be allowed a maximum of 100 square feet of identity signs, plus traffic directional signs will be allowed.

Environmental Resources

Air Quality

13. **Prior to issuance of construction permits for the residential development**, the applicant shall show the following elements on all applicable grading and construction plans:
 - a. Build new homes with flexibility in internal wiring/cabling to allow telecommuting, teleconferencing, and telelearning to occur simultaneously in at least 3 locations in each home to provide the opportunity for trip reduction benefits;
 - b. Develop the recreation and open space area south of lots 24 and 25 into an interesting gathering area for the residential community to reduce the frequency of outside recreational automobile trips;
 - c. Provide bike parking;
 - d. Develop the residential sidewalks to be well lit, separated from the street with landscaping, and designated with pedestrian signage to improve pedestrian safety;
 - e. Enable easy pedestrian and bicycle access from the residential development to the established CCAT bus stops at the Las Tablas Park and Ride and Twin Cities Hospital and to the medical office park portions of the development and other potential nearby work or shopping sites;
 - f. Increase street tree planting to reduce summertime urban heating; and,

- g. Provide outdoor electrical outlets to encourage the use of electric appliances and tools.
14. **Prior to issuance of construction permits for the residential development, the applicant shall show the following elements on all applicable grading and construction plans:**
- a. Increase building energy efficiency rating by 10 percent above what is required by Title 24 requirements by increasing attic, wall or floor insulation, etc;
 - b. Shade tree planting along southern exposures of buildings to reduce summer cooling needs;
 - c. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star rating to reduce summer cooling needs;
 - d. Use built-in energy efficient appliances, where applicable;
 - e. Use double-paned windows;
 - f. Use low energy parking lot and street lights (i.e. sodium);
 - g. Use energy efficient interior lighting; and
 - h. Install high efficiency heating.
15. Replacement measures for conditions 12 and 13 may be proposed to the SLO APCD at 781-5912. Evidence shall be provided by the applicant showing APCD approval of any replacement measure.
16. During construction of improvements, based on Table 6-3 of the APCD's 2003 CEQA Handbook, the estimated construction emissions for the project will exceed the thresholds requiring mitigation. The following measures shall be incorporated into the construction phase of the project and shown on all applicable plans prior to construction permit issuance:
- a. Reduce the amount of disturbed area where possible.
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15mph. Reclaimed (nonpotable) water should be used whenever possible.
 - c. All dirt stockpile areas should be sprayed daily as needed.
 - d. Permanent dust control measures identified in the approved revegetation and

landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.

- e. Exposing ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with fast-germinating native grass seed and watered until vegetation is established.
 - f. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
 - g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - h. All vehicles hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - i. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - j. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - k. If any demolition activities are included as part of this project these activities will be subject to the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to; 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the APCD Enforcement Division at (805) 781-5912
17. Prior to issuance of grading and construction permits, the applicant shall apply for and submit copies of district permits from the Air Pollution Control District, or evidence stating that a permit is not required.

Noise

18. Prior to final inspection, buildings located in the southeastern portion of the project and within the 60 dB Ldn noise contour for Highway 101 shall be constructed with air conditioning or a mechanical ventilation system, windows and sliding glass doors mounted in low air infiltration rate frames, and solid core exterior doors with perimeter weather stripping and threshold seals.

Wastewater

19. Prior to issuance of building permit, the applicant shall pay sewer fees for 16 units to

the Templeton Community Services District.

Trees

20. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall replace, in kind at a 2:1 ratio, two valley oak trees for impacts to the existing valley oak on the project site. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas for the 2 trees shall be either in native topsoil or areas where native topsoil has been reapplied that is at least 12" deep. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for a 12" average layer). Once trees have been planted and prior to final inspection, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating how and when the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

Miscellaneous

21. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
22. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
23. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested in accordance with the Land Use Ordinance Section 22.64.080 or 22.64.090.
24. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.
25. **All residential garages shall be used to park vehicles and shall be not be used only for storage.**
26. **Parking of boats or other recreational vehicles in the driveways or along the street shall be prohibited.**
27. **Residents of the multifamily project shall not park their personal vehicles on Posada Lane except for visiting commercial or office related uses located on that street.**

Indemnification

28. The applicant shall as a condition of approval of this conditional use permit and tentative or final map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this conditional use permit and subdivision, which action is brought within the time period provided for by law. The condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

**EXHIBIT D - CONDITIONS
TRACT MAP TR 2549 CHARNELY**

Approved Project

1. This approval authorizes the subdivision of the residential component (3.81 acres) of a larger 8.7 acre mixed use site which includes an approved Conditional Use Permit (D020021D) on the adjacent 4.89 acre parcel allowing an in-patient care facility. The residential component consists of a subdivision of a subdivision of 3.81 acre parcel into 45 parcels for the construction of 41 attached single family townhouses. The residential development consists of 41 parcels of approximately 0.04 acres to 0.07 acres in size and three open space lots. A community recreation area with a swimming pool, a play area, a gazebo, restrooms and a BBQ facility with landscaping is also proposed. The project includes a pedestrian path. The project also includes a connection to an access bridge and road to Las Tablas Road and access to Posada Lane. Three access roads within the subdivision are also proposed.
2. **Prior to recordation of the tract map**, the project on the front parcel, assessor parcel number 040-280-056, shall be required to enter into an agreement stating that the non-residential development on this site be larger than the residential component.

Landscaping

3. **At the time of application for improvement plans permits**, the applicant shall provide details of the landscaping plan. In addition to landscaping the development, the landscape plan shall include a driveway entry design, street tree planting, a landscaping design plan for the pool gazebo area, and a plan for the riparian area adjacent to the project site in accordance with Title 22 and the Templeton Design Guidelines. Landscaping shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection and thereafter maintained in a viable condition in perpetuity.

Parks /Trail Plan

4. The payment of Quimby Fees and applicable Building Division fees, however, if the applicant provides recreation facilities (as noted in the project description), Tract 2549 may be eligible for a Quimby credit up to 50% of Tract 2549's required Quimby fee. In order to qualify for a Quimby credit, prior to obtaining final map clearance, the applicant shall provide the following data subject to the review and approval of County Parks:
 - A. Improvement plans incorporating the proposed recreation facilities.
 - B. An updated cost estimate for the proposed recreation facilities. The cost estimate shall be provided by a qualified professional and shall cover design and construction costs only. The amount of Tract 2549's Quimby Credit shall be based on the final, actual costs to design and develop the proposed recreation

facilities up to 50% of the required County fee.

- C. A copy of the project's CC&Rs. The project's CC&R shall clearly identify: that residential residents within Tract 2549 are eligible to use the recreation facilities, the form of ownership, and method of maintenance for the proposed recreation facilities.
 - D. The project's deeds and recorded covenants. These documents shall provide for the ownership and maintenance of the recreation facilities, and shall clearly restrict Parcel A for park and recreation purposes in perpetuity.
5. An offer to dedicate a minimum fifteen foot wide trail corridor along Parcels A and B in the vicinity of Toad Creek. The offer to dedicate may be in fee or easement. The proposed location and design of the offer shall be reviewed and approved by County Parks prior to the applicant's final map recording or the approval of the project's improvement plans (whichever occurs first). In general, the offer shall be located ten feet from any proposed basin, and shall be provided on slopes less than 6%.
 6. An offer to dedicate a minimum fifteen foot wide trail along the commercial property located directly north of Tract 03-2549 in the vicinity of Toad Creek (unless an adequate offer to the public already exists). The offer to dedicate may be in fee or easement. The proposed location and design of the offer shall be reviewed and approved by County Parks prior to the applicant's final map recording or the approval of the project's improvement plans (whichever occurs first). In general, the offer shall be located outside any riparian corridor, ten feet from any proposed basin, and shall be provided on slopes averaging less than 6%.

Air Quality

7. **Prior to issuance of improvement plans**, the applicant shall conduct a geologic investigation for naturally occurring asbestos on the project site. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan which must be approved by the APCD before construction begins, and 2) an Asbestos Health and Safety Program may be required.
8. **During construction of improvements**, based on Table 6-3 of the APCD's 2003 CEQA Handbook, the estimated construction emissions for the project will exceed the thresholds requiring mitigation. The following measures shall be incorporated into the construction phase of the project and shown on all applicable plans prior to construction permit issuance:
 - a. Reduce the amount of the disturbed area where possible.
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.

- c. All dirt stock-pile areas should be sprayed daily as needed.
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, or other loose materials are to be covered or should maintain at least two feet of free board (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increase watering, as necessary, to prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons all be provided to the APCD prior to land use clearance of map recordation and land use clearance for finish grading of the structure.

9. **During construction of improvements**, the applicant shall implement Standard Mitigation Measures for Construction Equipment to reduce exhaust emissions from heavy-duty diesel construction equipment including:
 - a. Maintain all construction equipment in proper tune according to manufacturer's specifications.
 - b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
 - c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines.
10. Prior to developmental burning of vegetative material, the applicant shall apply for

and obtain a burn permit from the APCD and County Fire/California Department of Forestry. The application requires the submittal of a technical feasibility study.

Biological Resources

Riparian Resources

11. **Prior to approval of improvement plans**, the applicant shall retain a County-approved biologist to conduct a preconstruction survey for the presence of California red-legged frog and other listed aquatic species one week prior to commencement of construction, following appropriate U.S. Fish and Wildlife Service (USFWS) protocol.
12. **Prior to approval of improvement plans**, an USFWS-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being implemented to conserve the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished. Brochures, books and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
13. **During construction of improvements**, all project-related spills of hazardous materials within or adjacent to the drainages shall be cleaned up immediately. Spill prevention and cleanup materials shall be on-site at all times during construction.
14. **During construction of improvements**, all fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or water body.
15. **During construction of improvements**, and the wet season following construction, sedimentation and erosion control measures shall be implemented and construction activities limited to the dry season to avoid impacts from increased runoff and sedimentation (i.e., April 15 to October 15).
16. **During construction of improvements**, exclusion fencing shall be installed between the limits of construction and the riparian corridor of the adjacent drainages. All construction personnel shall remain within the limits of construction. Impact areas within the riparian corridor (i.e., construction of the access bridge) of the drainages shall be limited to the minimum amount possible.
17. **During construction of improvements**, the spread or introduction of invasive exotic plant species shall be avoided to the maximum extent possible. When practicable, invasive exotic plants in the project site shall be removed.
18. **Prior to final inspection of improvements**, banks of drainages impacted during construction or other activities shall be revegetated as soon as possible after

construction, using native riparian shrubs and ground covers.

19. Prior to recordation of final map, the applicant shall observe and ensure dedication of the riparian creek corridor to the county or other non-profit agency. The creek corridor shall average approximately 100 feet wide. The purpose of the corridor is to maintain the integrity of the creek. Some portions of the corridor may be slightly narrower than 100 feet if it does not degrade wildlife values and other portions of the corridor are proportionally wider than 100 feet. The applicant shall submit design plans for review and approval by the Department of Planning and Building and include design plans in regulatory permit application packages.
20. **Prior to construction of improvements**, tree protection methods including high visibility fencing and fencing locations shall be shown on project plans, regulatory permit packages, and shall be installed in the field. Fencing shall remain in place until final inspection.
21. **Prior to issuance of grading and improvement plans**, the applicant shall apply for and submit copies of permits and authorizations from the following agencies (or paperwork received by the appropriate jurisdiction stating that a permit is not required):
 - a. Regional Water Quality Control Board;
 - b. State Water Resources Control Board; and,
 - c. U.S. Army Corps of Engineers.
 - d. California Department of Fish and Game
22. **Prior to issuance of grading and improvement plans**, the "project limits" shall be clearly delineated on all construction plans. Sturdy, high-visibility fencing shall be installed in the field showing the "project limits" protecting wetland habitat not to be disturbed. This fencing shall remain in place during the entire construction period. No construction (including storage of materials) shall occur outside of the "project limits".
23. If construction starts between March 1 through September 1, **prior to commencement of construction of improvements for each phase**, the applicant shall hire a County-approved qualified biologist to conduct a survey for nesting birds on the project site. At such time, if any evidence of nesting activities are found, no work shall be allowed within 500 feet of raptor (or listed bird species) nests, and within 100 feet of all other non-listed bird species' nests. No construction shall occur within these buffer zones until the birds have fledged or left the area, as documented by the retained County-approved qualified biologist.

Cultural Resources

24. **Prior to approval of improvement plans**, the applicant shall submit for the review and approval of the Environmental Coordinator, a detailed research design for a

Paleontological Monitoring & Recovery Plan (PMRP). The PMRP shall be consistent with the *Archeological and Paleontological Evaluation Report and Mitigation Plan for the Chamley Tract 2549 Project, Templeton, San Luis Obispo County, California* (Cogstone; May 2003) and shall be prepared by a qualified paleontologist approved by the Environmental Coordinator. The PMRP program shall include the following at minimum:

- 1) List of personnel involved in the monitoring activities;
 - 2) Clear identification of what portions of the project (areas of the site, types of activities);
 - 3) Description of how the monitoring shall occur;
 - 4) Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - 5) Description of what resources are expected to be encountered;
 - 6) Description of circumstances that would result in the "work diversion" at the project site;
 - 7) Description of procedures for diverting work on the site and notification procedures;
 - 8) Description of monitoring reporting procedures.
 - 9) Disposition of collected materials;
 - 10) Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results.
25. **During grading and construction excavation activities for improvements**, the applicant shall implement the mitigation measures as delineated in the *Archeological and Paleontological Evaluation Report and Mitigation Plan for the Chamley Tract 2549 Project, Templeton, San Luis Obispo County, California* (Cogstone; May 2003).
26. **Upon completion of all monitoring/mitigation activities**, the consulting paleontologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met and include analysis of all discoveries per the mitigation plan. If the analysis included in the mitigation plan is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator proof of obligation to complete the required analysis.
27. **Prior to approval of improvement plans**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to conduct monitoring and resource recovery during initial vegetation removal and surface grading/scraping. In the event significant resources are discovered, the applicant shall follow the retained archaeologist's recommendations for further monitoring or resource recovery.

Geology and Soils

28. **Prior to approval of a improvement plans**, the applicant shall submit an Erosion and Sedimentation Control Plan pursuant to Section 22.52.090 of the County Land

Use Ordinance (Title 22 of the County Code), for the review and approval by the County Departments of Public Works and Planning and Building. The plan shall include both temporary and final measures including, but not limited to, the use of hay bales, straw wattles, silt fencing, jute netting, hydro seeding, or other soil stabilization measures.

Fire Safety

29. **Prior to recordation of the final map**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the county Fire Department (CDF). The fire safety plan shall include, but not be limited to all requirements as specified in the letter from Templeton Fire Department dated November 2004. The applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures

Transportation/ Circulation

30. **Prior to final map recordation**, the applicant shall implement the approved traffic safety improvement plan pursuant to the *Traffic Circulation Study* (Stephen Orosz, December 2003) and requirements of the Department of Public Works.
31. **Prior to final map recordation**, the applicant shall submit plans to construct a school bus turnout within 600' of the driveway entrance on to Las Tablas Road. Location of the bus stop shall be approved by the Public Works Department and the Templeton School District.

Traffic

32. **Prior to final map recordation**, the applicant shall submit documentation showing a paid contribution to the County Local Traffic Impact Fee Program for the North Templeton area

Access and Improvements

33. Roads and/or streets to be constructed to the following standards:

- a. The access road from the property to Posada Lane be constructed to a Templeton Design Plan section, with a 24-foot paved road, 4-foot landscaped parkway and a 4-foot pedestrian way on one side. The pedestrian way shall meet the requirements of the Americans with Disabilities Act.
- b. A private easement shall be reserved on the map for access to all lots.
- c. The applicant shall submit revised plans showing widening of the intersection of the access road with Las Tablas Road to 30 feet to accommodate an 18-foot wide outbound lane for the review and approval by the County of San Luis Obispo Public Works Department.

- d. The access road from the property to Las Tablas Road be constructed to a Templeton Design Plan section, with a 24-foot paved road, 4-foot landscaped parkway and a 4-foot pedestrian way on one side. The pedestrian way shall meet the requirements of the Americans with Disabilities Act.
- e. The access to Posada Lane shall be an emergency gated only access meeting the requirements of the Templeton Fire Department. A sign shall be posted indicating that this is a private drive- no through access.
- f. The additional parking spaces proposed by the applicant by his letter of February 28, 2005, shall be incorporated into the project.

Improvement Plans

- 34. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - g. Mitigations as set forth in these conditions of approval as associated with the improvements plans
 - h. The applicant shall submit revised plans showing widening of the intersection of the access road with Las Tablas Road to 30 feet to accommodate an 18-foot wide outbound lane for the review and approval by the County of San Luis Obispo Public Works Department.
 - i. A pedestrian crossing of Las Tablas Road, if approved by the Public Works Department. This requirement may be included as either the installation of a new crossing or enhancement of an existing crossing, as determined appropriate by Public Works.
 - j. To avoid damage to Posada Lane and paved parking areas caused by heavy equipment movement, construction related traffic activities shall occur using Las Tablas Road as the primary access. Posada Lane shall only be used initially to bring in construction materials to construct the bridge portion of the access road.
- 35. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such

improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

36. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
37. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

38. The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
39. Submit complete drainage calculations to the Department of Public Works for review and approval.
40. If calculations so indicate, drainage must be retained/detained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards. As an alternative the applicant may provide evidence that they are part of the TCSD Bethel Road Basin/Park Drainage Project.
41. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. held in common by the homeowner's association.
42. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Soils Report

43. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

Utilities

44. Electric and telephone lines shall be installed underground.
45. Cable T.V. conduits shall be installed in the street.
46. Gas lines shall be installed.
47. Construction work for connecting underground utilities to existing Posada Lane infrastructure shall be not be done during regular business hours, Monday through Friday between the hours of 8am and 5pm, to reduce the impacts on the businesses along Posada Lane.

Design

48. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Covenants, Conditions and Restrictions

49. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. Maintenance of common areas including paths and the community pool/gazebo area.
 - b. Maintenance of all local streets within the subdivision until acceptance by a public agency.
 - c. The limits of inundation from a 100 year storm over lots fronting creeks from tributary to Toad Creek shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
 - d. All residential garages shall be used to park vehicles and shall be not be used only for storage.
 - e. Parking of boats or other recreational vehicles in the driveways or along the street shall be prohibited.
 - f. Residents of the multifamily project shall not park their personal vehicles on Posada Lane except for visiting commercial or office related uses located on that street.
 - g. The CC&R's shall provide the requirements set forth in this approval and shall not be amended or deleted without approval of the County.

Additional Map Sheet

50. The additional map sheet shall carry forth the environmental mitigation regarding the riparian corridor as shown on the additional map sheet for CO 94-079.

Miscellaneous

51. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto

and incorporated by reference herein as though set forth in full.

52. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the final map.

Affordable Housing

53. Prior to recordation of the tract map, the applicant shall enter into an agreement in a form approved by County Counsel to provide eight (8) residential units for persons and families of low or moderate income for a period of continued affordability for 5 years pursuant to the provisions of Section 22.12.070 of the San Luis Obispo County Code.
54. Prior to filing the tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.
55. The amount of Tract 2549's Quimby Credit shall be based on the final, actual costs to design and develop the proposed recreation facilities up to 50% of the required County fee.
56. All time frames on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
57. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees shall be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Indemnification

58. The applicant shall as a condition of approval of this conditional use permit and tentative or final map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this conditional use permit and subdivision, which action is brought within the time period provided for by law. The condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

STANDARD CONDITIONS OF APPROVAL FOR

DEVELOPMENTS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured **prior to issuing building permits**. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
4. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
5. Sewer service shall be obtained from the community sewage disposal system.
6. **Prior to issuing a building permit** a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the site plan.
10. Required public utility easements shall be shown on the map.
11. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area.